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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/050,830      | 01/18/2002  | Gen Sasaki           | 111695              | 6926             |

25944 7590 10/28/2003

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| EXAMINER |
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NGUYEN, TRINH T

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| ART UNIT | PAPER NUMBER |
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3644

DATE MAILED: 10/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/050,830

Applicant(s)

SASAKI ET AL.

Examiner

Trinh T Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 August 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by Applicant's Admitted Prior Art (as set forth on pages 1-2, lines 1-5 of page 3 of the specification, and Figures 6-12, hereinafter is referred to as AAPA).

AAPA discloses a method of retaining a bearing in a hole formed in a housing comprising: inserting the bearing (1) in the hole; plastic flow to an inner peripheral surface of the hole toward an end face of an outer race of the bearing using a staking tool (6) with a diameter larger than that of the hole, and smaller than that of an outer diameter of the housing; forming a locking section (3c) for retaining the end face of the outer race (2) by the plastic flow for retaining the outer race of the bearing in the housing (see especially Figure 8 as attached at the end of this Office Action for further detail explanation).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Applicant's Admitted Prior Art (as set forth on pages 1-2, lines 1-5 of page 3 of the specification, and Figures 6-12, hereinafter is referred to as AAPA) in view of Potter (US 4,189,821).

AAPA discloses the claimed invention except for the combination of method steps as claimed in claim 2.

Potter teaches a similar combination of securing method steps for joining a first tubular member 30 to a second tubular member 31 (note that Potter's member 30 is equivalent to Applicant's member 9 and Potter's member 31 is equivalent to Applicant's member 2) together by forming a step 42 for retaining the member 31 within the hole, bringing one end of member 31 to contact the step (see Figure 4), and forming the locking section 45 (see Figure 5) to another end of member 31. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have secured the two tubular members of AAPA together by using the combination of Potter's securing method steps, in a similar manner as taught in Potter, in order to provide a more efficient securing technique and thus improve the overall manufacturing procedure.

5. Claims 2, 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (as set forth on pages 1-2, lines 1-5 of page 3 of the specification, and Figures 6-12, hereinafter is referred to as AAPA) in view of Ridenour (US 4,442,586).

AAPA discloses the claimed invention except for the combination of method steps as claimed in claims 2, 3 and 5.

Ridenour teaches a similar combination of securing method steps for joining a first tubular member 15 to a second tubular member 16 (note that Ridenour's member 15 is equivalent to Applicant's member 9 and Ridenour's member 16 is equivalent to Applicant's member 2) together by forming a projection 51 & 52 at the other end of member 16, forming a concave section 42 & 43 corresponding to the projection, engaging the projection with the concave section (see Figure 4), and forming the locking section 32 matching the other end of member 16 (see Figure 5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have secured the two tubular members of AAPA together by using the combination of Ridenour's securing method steps, in a similar manner as taught in Ridenour, in order to provide a more efficient securing technique and thus improve the overall manufacturing procedure.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (as set forth on pages 1-2, lines 1-5 of page 3 of the specification, and Figures 6-12, hereinafter is referred to as AAPA) in view of Reiser et al. (US 4,722,619).

AAPA discloses the claimed invention except for the combination of method steps as claimed in claim 4.

Reiser et al. teach a similar combination of securing method steps for joining a first member 1 to a second member 7 together by forming a projection 51 & 52 at the

other end of member 16, forming projections 6, press fitting the second member 7 therebetween, and forming the locking sections (the bended projections 6 in Figure 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have secured the two members of AAPA together by using the combination of Reiser et al.'s securing method steps, in a similar manner as taught in Reiser et al., in order to provide a more efficient securing technique and thus improve the overall manufacturing procedure.

### ***Response to Arguments***

7. Applicant's arguments filed 8/8/03 have been fully considered but they are not persuasive.

8. In response to applicant's argument that AAPA does not disclose providing plastic flow to an inner peripheral surface of the hole toward an end face of an outer race of the bearing and forming a locking section on the end face of the outer face by the plastic flow for retaining the outer race of the bearing in the housing, as recited in claim 1, the applicant is referred to paragraph #2 above for further explanation.

9. In response to applicant's argument that the retaining method of AAPA cannot be applied in case where the axial distance between the housing 3 and the outer race 2 is not equal (depth D of the housing 3 exceeds the width W of the outer race 2) so as to be inapplicable to use of the staking tool 4, it is noted that the features upon which applicant relies (i.e., "where the axial distance between the housing 3 and the outer race 2 is not equal (depth D of the housing 3 exceeds the width W of the outer race 2") are not recited in the rejected claim(s). Although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, a fair reading of the claim language permits the examiner to interpret that the staking tool 6 in Figure 8 Prior Art is applicable to be use to provide a plastic flow to an inner peripheral surface of the hole toward an end face of an outer race of the bearing for retaining the outer race of the bearing in the housing.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trinh T Nguyen whose telephone number is (703) 306-9082. The examiner can normally be reached on M-F (9:30 A.M to 6:00 P.M).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Jordan can be reached on (703) 306-4159. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

ttn  
10/24/03

*Charles T. Jordan*  
CHARLES T. JORDAN  
SUPERVISOR  
TECHNICAL CENTER 8300



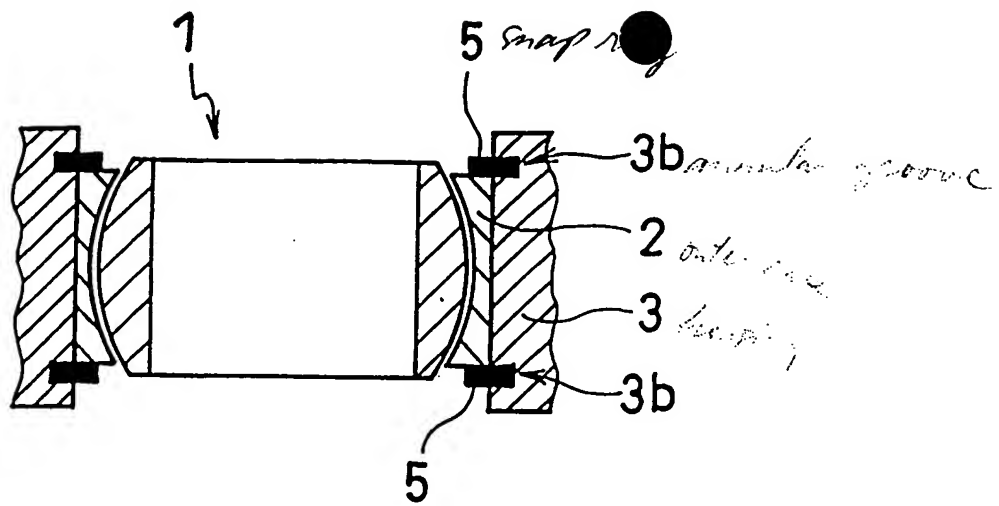


Fig. 8 Prior Art

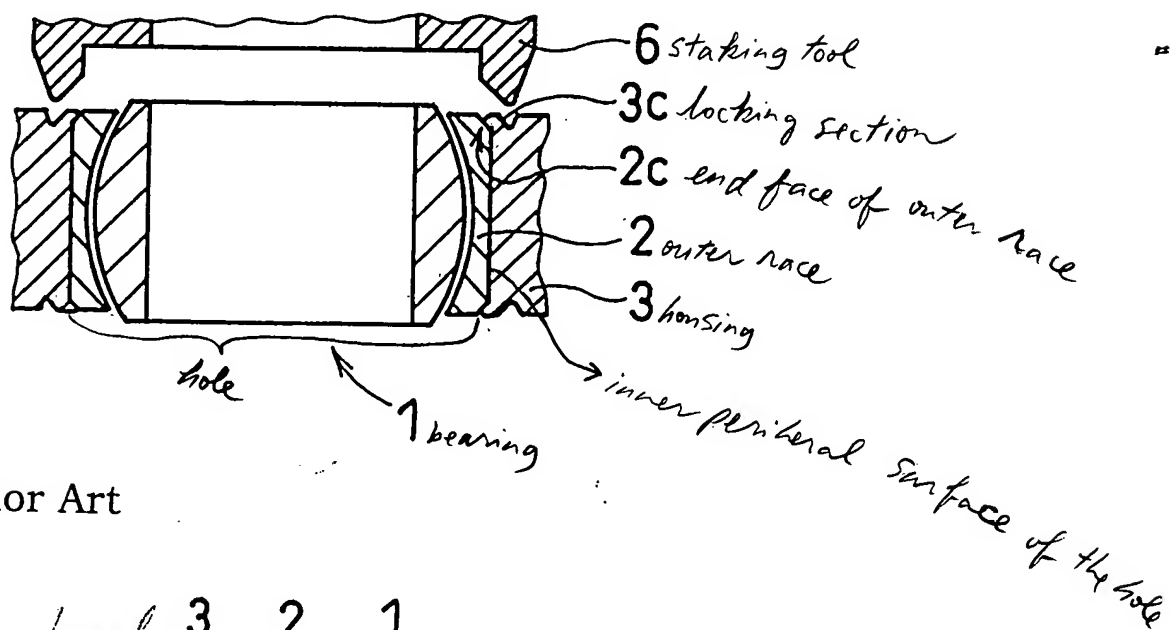


Fig. 9 Prior Art

